INVESTIGATIVE SUMMARY
DEPUTY INVOLVED NON-HIT SHOOTING
IAB SH - 2128169
URN: 404-14744-2811-055

On Sunday, September 12, 2004, at about 0348 hours, Sergeants Elier Morejon and William Hines along with Lieutenant Stacy Lee of the Internal Affairs Bureau responded to [redacted] Magnolia Street, City of Compton, regarding a Deputy Involved Hit Shooting involving Compton Station Deputy Anthony Forlano.

The summary of this incident is based on information obtained from reports, and other documents regarding Compton Station File #404-14744-2811-055, and interviews of involved sworn personnel and civilian witnesses. **See Exhibit - A - Homicide Book**

INVOLVED PERSONNEL:

FORLANO, Anthony, Deputy #[redacted]
Compton Station
Field Operations Region II

EMPLOYEE WORK HISTORY:

FORLANO, Anthony

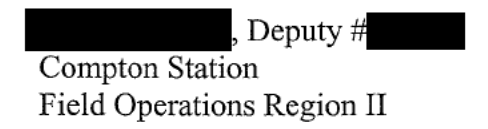
Date of Employment:	November 08, 1994
Date assigned to Patrol:	[redacted]
Completed Patrol Training:	[redacted]
Prior Shooting Incidents:	10-10-02.,02-12-04
Prior Founded Force Incidents:	[redacted]

SUSPECTS:

MONTOYA, Salvador MH/25

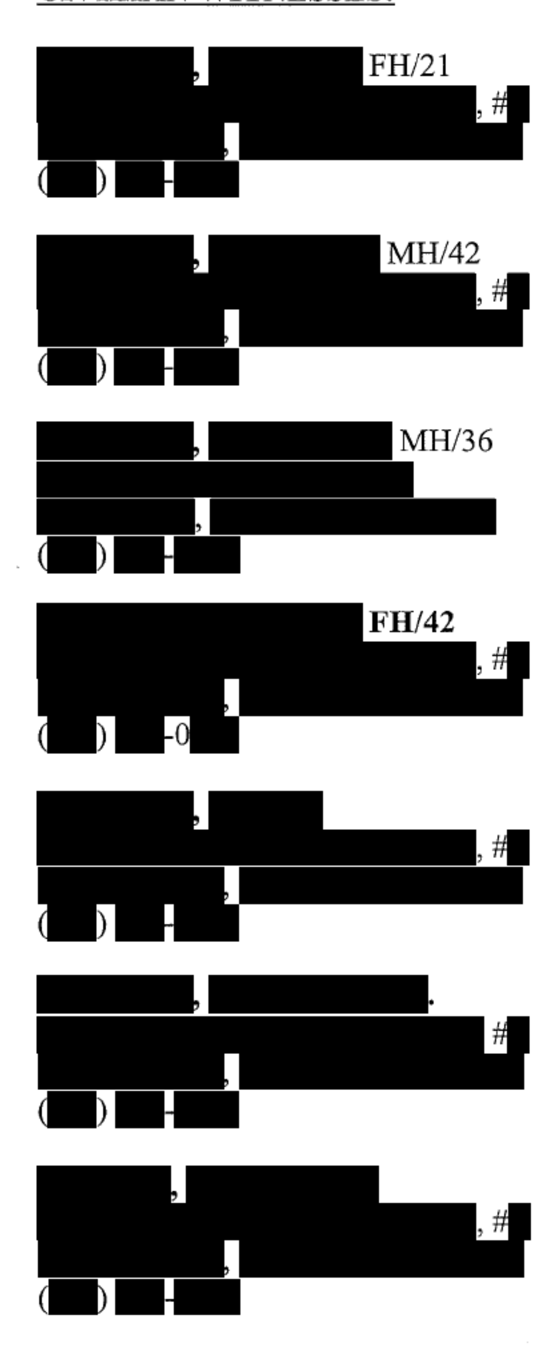
Suspect Montoya had no prior criminal history. See **Exhibit - B - Suspect Montoya Criminal History Printout.**

SWORN WITNESSES:



[redacted], Deputy #[redacted]
Compton Station
Field Operations Region II

CIVILIAN WITNESSES:



[redacted], [redacted] FH/21
[redacted], #[redacted]
[redacted], [redacted]
([redacted]) [redacted]-[redacted]

[redacted], [redacted] MH/42
[redacted], #[redacted]
[redacted], [redacted]
([redacted]) [redacted]-[redacted]

[redacted], [redacted] MH/36
[redacted]
[redacted], [redacted]
([redacted]) [redacted]-[redacted]

[redacted] **FH/42**
[redacted], #[redacted]
[redacted], [redacted]
([redacted]) [redacted]-0[redacted]

[redacted], [redacted]
[redacted], #[redacted]
[redacted], [redacted]
([redacted]) [redacted]-[redacted]

[redacted], [redacted].
[redacted] #[redacted]
[redacted], [redacted]
([redacted]) [redacted]-[redacted]

[redacted], [redacted]
[redacted], #[redacted]
[redacted], [redacted]
([redacted]) [redacted]-[redacted]

INJURIES:

Suspect Montoya received a single gun shot wound to the right side of his torso. **See Exhibit - C - Photograph of injury.**

Deputies Forlano and [redacted] were not injured.

PHYSICAL EVIDENCE:

The expended shell casing from Deputy Forlano's weapon was not found at the scene. **See Exhibit - D - Photographs of the scene.**

INVESTIGATOR OBSERVATIONS:

The location of the shooting was a standard residential intersection. The streets are standard asphalt residential streets. **See Exhibit - D - Photographs of the scene.**

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Forlano fired one round from his duty weapon: **Beretta 9mm Luger Caliber, Model 92FS, double action semiautomatic pistol, Serial Number BER[redacted]Z.**

The weapon was examined, test fired, and found to be functional by Firearms Examiners Donna Reynolds [redacted] and Manuel Munoz #[redacted]. **See Exhibit - E - Firearms Examiner Report**

WEAPONS USED BY SUSPECTS:

Physical force.

PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATOR/CHARGES FILED:

On March 4, 2005, Compton District Attorney's Office filed three counts of Resisting an Executive Officer, 69PC., Battery on a Peace Officer, 243(b) PC., and Possession of Marijuana, 11357(b) H&S. A warrant was issued for Suspect Montoya in the amount of $45,000.

LIGHTING AND WEATHER CONDITIONS:

This incident occurred at night. The lighting condition was poor at the time. The incident occurred under a tree which blocked most of the street lights. The weather was cool and clear.

INVOLVED EMPLOYEE'S STATEMENTS:

DEPUTY ANTHONY FORLANO

Deputy Forlano said that between 3:30 and 4:00A.M., Deputy [redacted] who is a sister-car in his reporting district, called him over the Sheriff's radio and asked to meet with him at the intersection of Compton Boulevard and Maie Avenue. Deputy Forlano said that Deputy [redacted] did no not give him a reason for the request. Deputy Forlano drove to meet with Deputy [redacted] and said he arrived within a minute to a minute and a half. When he arrived at Deputy [redacted] location, he saw Deputy [redacted] patrol vehicle parked on the north curbline of Compton Boulevard facing northbound Maie Avenue and saw Deputy [redacted] standing just outside of his car. Deputy [redacted] walked over to Deputy Forlano and explained that he had attempted to stop a Male pedestrian, but the individual ran away. Deputy [redacted] described the suspect as a Male Hispanic wearing baggy clothing. Deputy [redacted] also told him that he believed that the suspect had a gun.

Deputy Forlano added that Deputy [redacted] asked him for advice as to how to proceed with the investigation. Deputy Forlano explained that since Deputy [redacted] was new to patrol, he was unsure of what to do. Deputy Forlano advised Deputy [redacted] that he could have requested additional units over the radio and contained the area. He also told Deputy [redacted] that he could discontinue the search for the suspect at this point and learn from the experience.

Deputy Forlano said that he and Deputy [redacted] conducted a search of the area for the suspect. After a few minutes, Deputy [redacted] decided to discontinue the investigation. Deputy Forlano said that he drove away eastbound on Compton Boulevard. He said that he was near Dwight Street when he decided to return to Maie Avenue because he had not seen Deputy [redacted] patrol vehicle leave the area. He was concerned about Deputy [redacted] since he was a relatively new patrol deputy.

Deputy Forlano said that he made a u-turn at Dwight Street and started driving westbound on Compton Boulevard. As he drove towards Maie Avenue, he saw a Male Hispanic matching the physical and clothing description provided to him by Deputy [redacted]. The suspect jumped over a fence, onto the sidewalk, located on the north side of Compton Boulevard, east of Maie Avenue. The suspect immediately ran westbound on the north sidewalk of Compton Boulevard and then turned northbound onto Maie Avenue. Deputy Forlano lost sight of the suspect as he ran around the corner, northbound Maie Avenue from Compton Boulevard.

Deputy Forlano said that he sped up and turned northbound onto Maie Avenue. He saw that the suspect had stopped running and was now at the southeast corner of Maie Avenue and Magnolia Street. He also saw Deputy [redacted] patrol vehicle parked in the middle of the intersection of Maie Avenue and Magnolia Street. He saw Deputy [redacted] approaching the suspect who was still standing

at the southeast corner. Deputy Forlano said it appeared as though Deputy [redacted] was giving the suspect commands.. Deputy Forlano said that as Deputy [redacted] neared the suspect, the suspect grabbed Deputy [redacted] and forced him to the ground where a struggle ensued.. The altercation took place near or on the front yard of the residence located at the southeast corner of Magnolia Street and Maie Avenue.

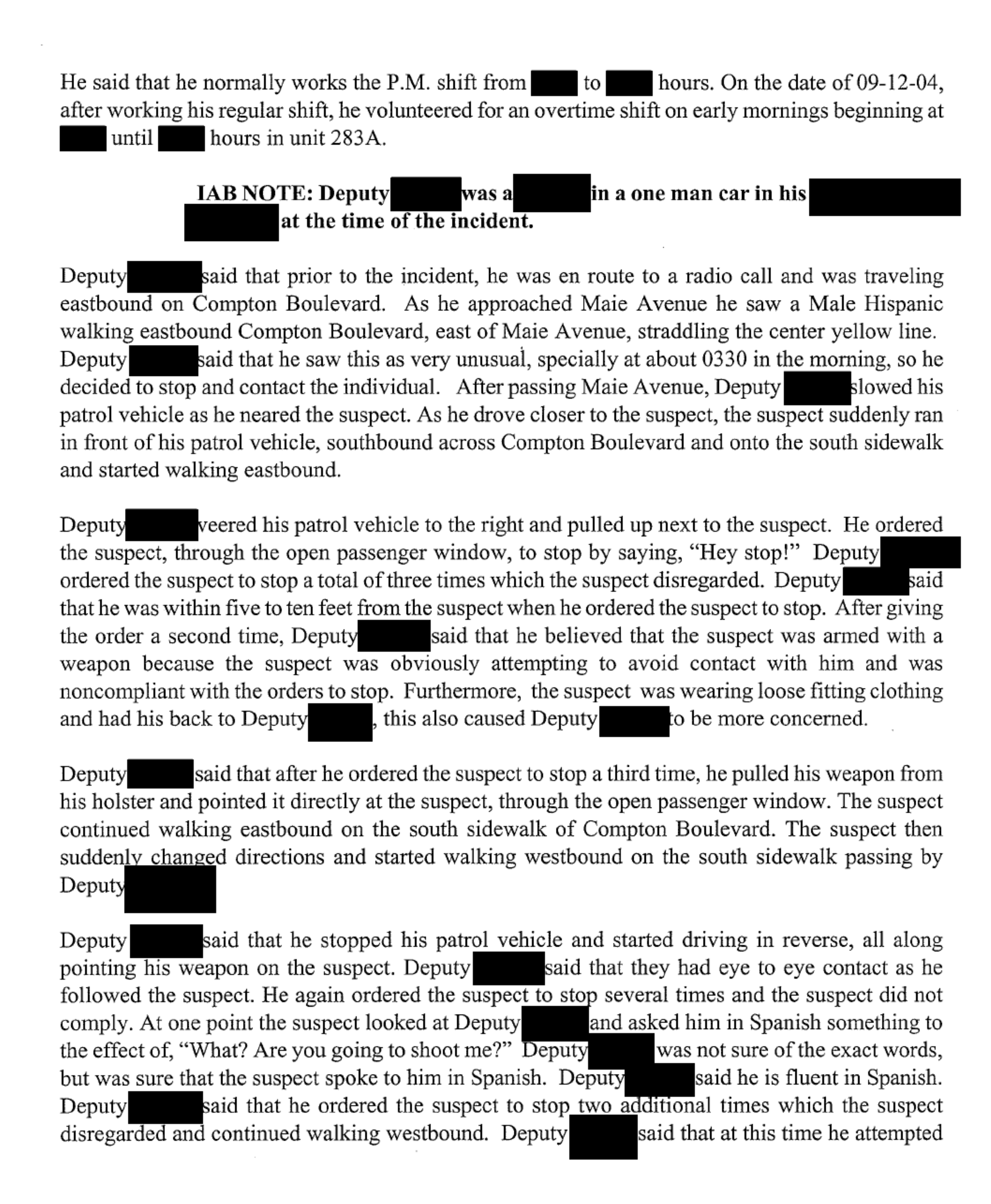
Deputy Forlano said that as he approached the corner in his patrol car he could see that the suspect was on top of Deputy [redacted] and a struggle was continuing. Deputy Forlano exited his patrol vehicle and ran to assist Deputy [redacted]. Deputy Forlano said that as he approached, he heard Deputy [redacted] yell, "He has my gun, He has my gun." Deputy Forlano said that he could sense the fear in Deputy [redacted] voice when he yelled that the suspect had his gun. Deputy Forlano said that he was afraid that the suspect had possession of Deputy [redacted] weapon and was going to shoot Deputy [redacted] with his own gun and then turn and shoot him. As a consequence, Deputy Forlano pulled his weapon and shot the suspect once on the right side of the torso. Deputy Forlano said he believed it was safe to shoot the suspect because he approached the suspect from the side and did not think that Deputy [redacted] was in harms way of the shot. He said that he shot the suspect by extending his right hand toward the suspect's torso. He believed that his weapon was withing five inches from the suspect's torso when he fired. He said that at the time of the shooting he could not see if the suspect actually had the weapon because the area was dark and he had approached the suspect from behind. He said that he did not request assistance for additional units because he did not have time. He felt that because of the position that Deputy [redacted] was in, he felt it necessary to act immediately and assist Deputy [redacted]. Deputy Forlano said that he saw several individuals standing near the northeast corner of Magnolia Street and Maie Avenue after the shooting.

After the shooting, Deputy Forlano instructed Deputy [redacted] to broadcast over the Sheriff's radio that they had been involved in a shooting. He also directed Deputy [redacted] to handcuff the suspect. Deputy Forlano said that he requested paramedics over the radio.

> **IAB NOTE: Several witnesses said they saw Deputy Forlano strike th suspect with his weapon. Deputy Forlano never mentions that he ever hit the suspect with his weapon, other impact weapon or physical force.**

DEPUTY [redacted]

Deputy [redacted] said that he has been with the Los Angeles County Sheriff's Department for a period of about seven years. He has been assigned to the Compton Station for the last five months. He said that prior to being employed with the Los Angeles County Sheriff's Department, he worked as [redacted]



He said that he normally works the P.M. shift from [redacted] to [redacted] hours. On the date of 09-12-04, after working his regular shift, he volunteered for an overtime shift on early mornings beginning at [redacted] until [redacted] hours in unit 283A.

> **IAB NOTE: Deputy [redacted] was a [redacted] in a one man car in his [redacted] at the time of the incident.**

Deputy [redacted] said that prior to the incident, he was en route to a radio call and was traveling eastbound on Compton Boulevard. As he approached Maie Avenue he saw a Male Hispanic walking eastbound Compton Boulevard, east of Maie Avenue, straddling the center yellow line. Deputy [redacted] said that he saw this as very unusual, specially at about 0330 in the morning, so he decided to stop and contact the individual. After passing Maie Avenue, Deputy [redacted] slowed his patrol vehicle as he neared the suspect. As he drove closer to the suspect, the suspect suddenly ran in front of his patrol vehicle, southbound across Compton Boulevard and onto the south sidewalk and started walking eastbound.

Deputy [redacted] veered his patrol vehicle to the right and pulled up next to the suspect. He ordered the suspect, through the open passenger window, to stop by saying, "Hey stop!" Deputy [redacted] ordered the suspect to stop a total of three times which the suspect disregarded. Deputy [redacted] said that he was within five to ten feet from the suspect when he ordered the suspect to stop. After giving the order a second time, Deputy [redacted] said that he believed that the suspect was armed with a weapon because the suspect was obviously attempting to avoid contact with him and was noncompliant with the orders to stop. Furthermore, the suspect was wearing loose fitting clothing and had his back to Deputy [redacted], this also caused Deputy [redacted] to be more concerned.

Deputy [redacted] said that after he ordered the suspect to stop a third time, he pulled his weapon from his holster and pointed it directly at the suspect, through the open passenger window. The suspect continued walking eastbound on the south sidewalk of Compton Boulevard. The suspect then suddenly changed directions and started walking westbound on the south sidewalk passing by Deputy [redacted]

Deputy [redacted] said that he stopped his patrol vehicle and started driving in reverse, all along pointing his weapon on the suspect. Deputy [redacted] said that they had eye to eye contact as he followed the suspect. He again ordered the suspect to stop several times and the suspect did not comply. At one point the suspect looked at Deputy [redacted] and asked him in Spanish something to the effect of, "What? Are you going to shoot me?" Deputy [redacted] was not sure of the exact words, but was sure that the suspect spoke to him in Spanish. Deputy [redacted] said he is fluent in Spanish. Deputy [redacted] said that he ordered the suspect to stop two additional times which the suspect disregarded and continued walking westbound. Deputy [redacted] said that at this time he attempted

to put out a radio communication to get assisting units to his location but his radio was not transmitting. Deputy [redacted] could not remember if he was attempting to transmit via his handheld radio or his mobile radio.

Deputy [redacted] said as he was driving westbound in reverse, the suspect again changed directions and started walking eastbound again past Deputy [redacted] patrol car. Deputy [redacted] said that as the suspect was walking away from him, he saw the suspect's hands reach in the area of his waistband. Deputy [redacted] said this concerned him because the suspect's back was to him and he could not see his hands. Deputy [redacted] said that he was pointing his weapon at the suspect and was prepared to shoot the suspect at this point if he produced a weapon. The suspect again changed directions, this time running westbound on the sidewalk past Deputy [redacted]. Deputy [redacted] said that the suspect had his hands in the area of his waistband as he ran past him. Deputy [redacted] followed in reverse as the suspect ran westbound and then suddenly ran behind his patrol car northbound across Compton Boulevard. Deputy [redacted] made a U-turn onto westbound Compton Boulevard as the suspect ran northbound onto Maie Avenue. Deputy [redacted] said that he followed the suspect as he ran northbound Maie Avenue on the east sidewalk. As he followed, the suspect stopped and immediately turned around and ran southbound Maie Avenue. Deputy [redacted] said he continued northbound to the corner of Maie Avenue and Magnolia Street where he made a U-turn and drove southbound Maie Avenue. Deputy [redacted] said that as he completed his U-turn he lost sight of the suspect near the corner of Compton Boulevard and Maie Avenue. Deputy [redacted] drove to the corner where he last saw the suspect and immediately called Deputy Forlano to his location via L-Tac.

Deputy [redacted] said that Deputy Forlano met with him and they began to search for the suspect on foot. He said that they did not go into any backyards looking for the suspect, they only used their flashlights to look into the yards and shrubbery. After a short search they decided to discontinue the search. Deputy [redacted] said that he and Deputy Forlano talked about the different options available to him during this type of situation. Deputy [redacted] said that Deputy Forlano left the area.

Deputy [redacted] said that he then went to contact a group of individuals who were standing in front of the a residence located at the northeast corner of Magnolia Street and Maie Avenue. He contacted the group to determine if they knew the suspect. A woman that was with the group identified the suspect as her [redacted]. Deputy [redacted] explained that he had attempted to stop the suspect because of his unusual behavior and also because he felt that the suspect had a weapon. The woman told Deputy [redacted] that the suspect did not have a weapon.

Deputy [redacted] said that while he was out of his patrol vehicle, talking to the suspect's [redacted], he saw the suspect running in his direction, northbound Maie Avenue from Compton Boulevard on the east sidewalk. Deputy [redacted] said he walked [redacted] the street towards the southeast corner of Maie Avenue and Magnolia Street. Deputy [redacted] said he looked towards Compton Avenue and saw

Deputy Forlano in his patrol car following the suspect. As Deputy [redacted] approached the corner of Maie and Magnolia, he ordered the suspect to stop, and he did. Deputy [redacted] said that he approached the suspect from the front and grabbed the suspect's right shoulder with his left hand. He said that his weapon was holstered at the time. As he made physical contact with the suspect, the suspect grabbed his arm and they began to struggle, and eventually fell to the ground. Initially, Deputy [redacted] landed on top of the suspect, but almost immediately the suspect overpowered Deputy [redacted] rolled him over, and got on top. Deputy [redacted] said that he attempted to get hold of the suspect's hands to restrain him, but was unable to do so.

> **IAB NOTE: Deputy [redacted] was asked why he approached the suspect from the front rather then telling him to turn around. Deputy [redacted] said that he did not want to tell the suspect to turn around because he did not want to lose sight of his hands. He thought the suspect had a gun.**

Deputy [redacted] remembered seeing Deputy Forlano arrive while he was struggling with the suspect. Deputy [redacted] said that during the struggle he felt a tug at his holster. Deputy [redacted] said that he immediately reached for his holster with his right hand and felt the suspect's hand on his gun. Deputy [redacted] then yelled out something to the effect of, "he has my gun"or "he is holding onto my gun." He then heard a single shot, and the suspect stopped fighting. Deputy [redacted] pushed the suspect off of him and then handcuffed the suspect. Deputy [redacted] said that his gun did not come out of the holster during the struggle.

Deputy [redacted] added that while he was struggling with the suspect, he tried to request assistance over his handheld radio, but nothing transmitted. He said that after the shooting, he again tried to use the radio to advise that they had been involved in a shooting and realized that the frequency selector had been switched off his assigned dispatch channel probably during the struggle. He said that he changed channels to his working frequency and made the announcement that they had been involved in a shooting.

CIVILIAN WITNESSES

The following civilian witnesses were interviewed the day of the incident by Homicide Investigators. Internal Affairs Bureau Sergeant William Hines and District Attorney Gilbert Roldan took part in the interview. The following is a summary of their interviews.

[redacted]

Witness [redacted] told Investigators that Suspect Montoya is her common law [redacted]. The two of them have [redacted] together. On the night of the incident they were at the residence. Suspect Montoya had gotten extremely drunk and was demanding that Witness [redacted] go home with him to their residence in Santa Ana. When she refused he got upset and began arguing with her. He told her he was going to walk home. She picked up her [redacted] and walked Suspect Montoya outside.

After Suspect Montoya left, several family members came outside and asked her where Suspect Montoya had gone. `Approximately five minutes after Suspect Montoya left, Witness [redacted] saw Suspect Montoya running from the patrol deputy. She believed Suspect Montoya may have tried to run from the patrol deputy because he was very drunk. She told Suspect Montoya twice, "Don't run. Don't run. Let him get you." She told Suspect Montoya not to run because she did not know why he was running and she did not want anymore problems. Suspect Montoya didn't listen to her and ran eastbound on West Magnolia Street. One of the deputies ran after him and caught him at the residence [redacted] the street ([redacted] West Magnolia Street). The deputy grabbed Suspect Montoya by the arm and Suspect Montoya began struggling with him. The second deputy arrived and grabbed Suspect Montoya by the other arm. They put Suspect Montoya on the ground and put his hands behind his back to try and handcuff him. Suspect Montoya continued to struggle with them. The second deputy pulled out his gun and hit Suspect Montoya twice in the back with his gun. Suspect Montoya continued struggling with the deputies. That same deputy then put the gun to Suspect Montoya's side. She began yelling to the deputy not to hurt Suspect Montoya because Suspect Montoya was very drunk. Witness [redacted] then heard one gun shot. The deputy then pointed the gun at her and told her to get back. Witness [redacted] went on to say she could hear the deputies saying something to Suspect Montoya. She did not know what they were telling him because they were speaking English and she only speaks Spanish.

Witness [redacted] told Investigators she was standing on the grass area in front of the residence ([redacted]) which is [redacted] the street ([redacted]) from where the incident occurred. Witness [redacted] could not recall anything further.

[redacted]

Witness [redacted] told Investigators he was at the residence on the night of the incident. He was attending a gathering following a baptism for one of his [redacted].

Witness [redacted] told Investigators Suspect Montoya had approximately fifteen to twenty beers and had gotten extremely drunk. Suspect Montoya wanted to go home to Santa Ana, but Witness [redacted] did not want to go with Suspect Montoya because he was drunk. Suspect Montoya told Witness [redacted] that he was leaving and began walking southbound Maie Avenue to westbound Compton Avenue.

Witness [redacted] saw a patrol vehicle drive by in the same direction. Witness [redacted] walked to Compton Avenue to see if the patrol unit was detaining Suspect Montoya because Suspect Montoya was drunk. When he reached Compton Avenue he saw Suspect Montoya with his hands above his head. Witness [redacted] walked back to the residence ([redacted]).

Moments later, Witness [redacted] saw Suspect Montoya running northbound Maie Avenue from Compton Avenue. The patrol unit stopped Suspect Montoya and Suspect Montoya turned around

and began running back toward Compton Avenue. The patrol unit did not see where Suspect Montoya ran and began riding around looking for him.

A second patrol unit arrived and the two patrol units drove around looking for Suspect Montoya. The first patrol deputy stopped and began talking to him and others that were in front of the residence ([redacted]). While they were talking, the deputy saw Suspect Montoya running northbound Maie Avenue from Compton Avenue toward the residence. The first deputy ran over to Suspect Montoya and contacted him. He grabbed Suspect Montoya from the front of his body and held Suspect Montoya by both of his arms. Suspect Montoya began struggling with the deputy. The second deputy arrived on scene and ran over and assisted the first deputy. At that point, the two deputies and Suspect Montoya fell to the ground. Suspect Montoya was laying face down on the ground. Suspect Montoya was still struggling with the deputies. The second deputy retrieved his gun from his holster and struck Suspect Montoya three times in the back with the gun. The second deputy then pointed the gun to the left side of Suspect Montoya's back and shot him one time. The deputies then put Suspect Montoya's hands behind his back and handcuffed him. Other patrol units and paramedics then arrived on scene.

Witness [redacted] went on to say he was standing in the street approximately six to eight feet away from the incident. He did not hear the deputies say anything to Suspect Montoya because everything happened so fast. He never saw Suspect Montoya reach for or grab the deputy's gun. He believes the reason Suspect Montoya was struggling with the deputies was because he was drunk and didn't want to go to jail. Witness [redacted] could not recall anything further.

[redacted]

Witness [redacted] told Investigators he was inside the house when the incident occurred. Prior to the incident, Suspect Montoya was drunk and wanted to leave. When he was not given the car keys to leave, Suspect Montoya ran out of the house. Witness [redacted] heard everyone yelling at Suspect Montoya.

He went out front to see what was going on and saw deputies patrolling the area and shining their flashlights and spotlights looking for Suspect Montoya. He also saw Witnesses [redacted], [redacted], [redacted] and several kids (NFD) standing outside. He did not see Suspect Montoya run from the deputies. The witnesses informed him that Suspect Montoya had run from the deputies. Witness [redacted] became frightened and ran back inside the house. He went to the backyard to check on things. Approximately three to four minutes later, he heard a gunshot coming from the front of the residence. He came back outside and saw that the deputies had Suspect Montoya handcuffed and laying on the ground. Witness [redacted] could not recall anything further.

[redacted]

Witness [redacted] told Investigators at the time of the incident she was standing on the grass next to a tree in front of [redacted]. She saw a patrol unit drive northbound on Maie Avenue and stop in front of the residence. The deputy began talking to several of the people (witnesses) who were standing there.

Witness [redacted] saw Suspect Montoya running northbound Maie Avenue and a patrol unit chasing him. The deputy who was in front of the residence saw Suspect Montoya running northbound and ran toward him. Witness [redacted], at that point, turned away and ran toward the house. When she turned back around she saw one of the deputies holding Suspect Montoya from behind in a bear hug. She did not see anything after that because she went in the house to the bathroom.

Witness [redacted] could not recall anything further. Investigators concluded their interview with Witness [redacted] at 0918 hours.

[redacted]

Witness [redacted] told Investigators she was standing at the corner of Maie Avenue and West Magnolia Street when the incident occurred. She saw Suspect Montoya walking southbound Maie Avenue in the street toward Compton Avenue. She then saw him turn around and run northbound Maie Avenue toward West Magnolia with a patrol unit following him. The deputy caught Suspect Montoya and grabbed him from behind in an attempt to detain him.

Suspect Montoya began struggling with the deputy on the ground. A second deputy arrived and assisted in trying to detain Suspect Montoya. Suspect Montoya continued to struggle with both deputies. The second deputy pulled out his handgun and hit Suspect Montoya two or three times in the back with his handgun. Suspect Montoya continued to struggle with the deputies and the second deputy shot Suspect Montoya one time. Witness [redacted] could not recall anything further.

[redacted]

Witness [redacted] ~.[redacted]. told Investigators he was standing at the corner of Maie Avenue and West Magnolia Street when the incident occurred. He stated Suspect Montoya had gotten drunk. He wanted to go to his residence in Santa Ana and got upset when they all wanted to stay at the residence in Compton. Suspect Montoya walked southbound Maie Avenue to Compton Avenue. Moments later, Suspect Montoya ran northbound and tried to hide in some bushes at the corner of Maie Avenue and Compton Avenue. A patrol unit drove northbound on Maie Avenue and stopped in front of the house ([redacted]). The deputy exited his vehicle and was shining his flashlight around when Witness [redacted] saw Suspect Montoya run northbound toward the

house. The deputy saw Suspect Montoya and ran toward him. Suspect Montoya turned and ran eastbound on West Magnolia Street. The first deputy grabbed hold of Suspect Montoya from behind and tried to throw Suspect Montoya to the ground. Suspect Montoya struggled with the deputy and the deputy was unable to get Suspect Montoya to the ground. A second patrol unit arrived and assisted the first deputy in getting Suspect Montoya on the ground. Suspect Montoya continued to struggle with the deputies and the second deputy retrieved his handgun from his holster and struck Suspect Montoya in the back with his handgun. Witness [redacted] ran toward the deputies holding his [redacted]. The second deputy turned and pointed his handgun at her and told her to get back. The second deputy then pointed the handgun back at Suspect Montoya and shot him one time in the right side of his stomach. Witness [redacted] could not recall anything further.

[redacted]

Witness [redacted] told Investigators she was at the residence at the time of the incident. She was standing outside on the northeast corner of Maie Avenue and West Magnolia Street. Suspect Montoya was drunk and he started walking southbound on Maie Avenue from the residence. Moments later she saw Suspect Montoya running northbound on Maie Avenue back toward the house and a patrol unit was chasing him. Suspect Montoya ran back southbound on Maie Avenue toward Compton Avenue and hid in some bushes trying to get away from the deputy. The deputy shined his flashlight on the bushes looking for Suspect Montoya. There was also a patrol unit in front of the residence looking for Suspect Montoya. After approximately five minutes, Suspect Montoya ran out of the bushes and tried to run eastbound on West Magnolia Street. The deputy in front of the residence ran after him. The deputy grabbed Suspect Montoya from behind and Suspect Montoya began struggling with him, trying to get away from the deputy. Suspect Montoya's [redacted] (Witness [redacted]) started yelling at Suspect Montoya telling him in Spanish to comply with the deputies. The second deputy arrived and assisted the first deputy. Suspect Montoya continued struggling with them and would not comply so the second deputy began hitting Suspect Montoya. Suspect Montoya got down on his knees and continued struggling with the deputies trying to get away from them. Witness [redacted] went on to say she saw the second deputy get down on his knees and point his gun at Suspect Montoya. The other deputy was trying to hold Suspect Montoya down. She then heard a gunshot and turned away. Witness [redacted] could not recall anything further.

SUSPECTS' STATEMENTS:

SALVADOR MONTOYA MH/25

Suspect Montoya said that he lived in the City of Santa Ana but he did not know the address. He said that he was employed as a painter and had been in the United States for a period of approximately six years. He is not a citizen. He said that he lived with his [redacted], [redacted], in Santa Ana, and they have [redacted].

Montoya said that they were at a baptismal party which was held at the home of his [redacted], [redacted], who lives on the corner of Magnolia and Maie. Montoya said he and his [redacted] arrived at the location at about 5:00 P.M. He said that at some point in the evening, he wanted to leave the party and go home because he was bored. He said that his [redacted] did not want to go, so he decided to leave without her and their [redacted].

Montoya said that he was walking down the street when he saw a patrol car approaching. The officer asked him to stop and he refused because he was upset and he did not feel that the officer had a reason to stop him. He said he had already walked about two blocks when the police contacted him. He said that he ran back to the house to be with his [redacted]. As he was approaching his family's home, his [redacted] advised him not to run because the police were after him. He told her that he had not done anything wrong.

Montoya said that when the police arrived, they knocked him to the ground, then he heard a gunshot and felt a burning sensation in his stomach. He yelled at the officers to get off of him because he was in pain. He said that one of the police officers then pointed his weapon at his [redacted]. He said that after that, he did not remember what occurred because he passed out.

He said that he did not recall the time that he left the residence. He said that he drank about six to seven beers while at the party and possibly more. He said that his intention was to walk home. He said that he did not know if there were one or two officers in the patrol car that first contacted him. He said that the officer asked him to stop, but he did not remember if he was asked in English or Spanish. He said that he has a limited knowledge of the English language and speaks only a few words of English.

Montoya said that he refused to stop for the officer and ran because he did not feel that he had done anything wrong. He said that he ran about a block then down the side street towards the [redacted] home. He denied that he had struggled with the officer. His only explanation for running from the police officer was because he did not feel that the officer had a reason to stop him. He also said that he did not attempt to remove the officer's weapon. He said that he drinks beer on occasion, but does not drink hard liquor or smoke marijuana. He stated that the bag of marijuana found near his clothing at the scene did not belong to him.

Montoya said that when he left the house, his intention was to walk to his home in Santa Ana. When investigators asked if he was going to walk the entire distance, he said that perhaps not. He said that perhaps he intended to go for a walk and cool off. He said that he was angry with his [redacted] because she did not want to go home.

Montoya said that when the first officer arrived, the officer told him to stop, but did not remember exactly what the officer said. He believed that the officer told him to stop. Montoya said that he did not hide from the officer's in the area. He added that he did not attempt to take the officer's weapon. He said that he did not remember if he was struck by the officers because things happened so quickly.

MISCELLANEOUS

During several of the witness interviews, mention was made to the fact that they saw one of the deputies hitting Suspect Montoya with his gun. All of the witnesses who alleged this are all related to Suspect Montoya's [redacted] During Suspect Montoya's [redacted] (Witness [redacted]) first interview with Deputy Sumner, she did not mention anything about Suspect Montoya being hit with a gun. **See Exhibit - A - Homicide Book, page 17**. During Suspect Montoya's interview he did not mention being hit with a gun. The only witness that was not related to Suspect Montoya's [redacted], said she did not see any deputy hit Suspect Montoya.